

NEM:SMF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

COMPLAINT

- against -

(8 U.S.C. § 1326(a) and (b)(2))

MARCO VIDAL-MENDEZ,

Case No. 24-MJ-529

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

Kenneth Lopez, being duly sworn, deposes and states that he is a Deportation Officer with the United States Immigration and Customs Enforcement, duly appointed according to law and acting as such.

On or about September 6, 2024, within the Eastern District of New York and elsewhere, the defendant MARCO VIDAL-MENDEZ, being an alien who had previously been deported and removed from the United States after a conviction for the commission of an aggravated felony, was found in the United States, without the Attorney General of the United States and the Secretary of the Department of Homeland Security having expressly consented to such alien's applying for admission.

(Title 8, United States Code, Section 1326(a) and (b)(2))

The source of your deponent's information and the grounds for his belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Deportation Officer with the United States Immigration and Customs Enforcement ("ICE") and have been involved in the investigation of numerous cases involving illegal reentry of aliens into the United States. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about January 24, 2008, the defendant MARCO VIDAL-MENDEZ, a national of Mexico, was convicted of Criminal Sale of a Controlled Substance in the Fourth Degree in violation of New York Penal Law 220.34, a felony. VIDAL-MENDEZ was subsequently sentenced to a five-year term of probation.

3. The defendant MARCO VIDAL-MENDEZ was subsequently determined to be inadmissible and removal proceedings were initiated. On or about August 26, 2009, VIDAL-MENDEZ was ordered removed from the United States and was deported to Mexico on or about September 3, 2009.

4. On or about September 25, 2009, the defendant MARCO VIDAL-MENDEZ was arrested by the United States Border Patrol while attempting to enter the United States. VIDAL-MENDEZ was subsequently convicted in the United States District Court for the District of Arizona for violating Title 8, United States Code, Section 1325(a)(1) (improper entry by an alien, an aggravated felony pursuant to Title 8, United States Code, Section 1101(a)(43)) and was sentenced to 90 days' imprisonment.

5. On or about December 23, 2009, the defendant MARCO VIDAL-MENDEZ's previous order of removal from the United States was reinstated and VIDAL-MENDEZ was deported from the United States to Mexico.

6. After again being found in the United States, on or about November 14, 2012, the defendant MARCO VIDAL-MENDEZ was convicted in the United States District Court for the Southern District of New York of illegal reentry of an aggravated felon, in violation of Title 8, United States Code, Sections 1326(a) and (b)(2), and was sentenced to 37 months' imprisonment. On or about October 19, 2014, the defendant was ordered deported, and on or about October 28, 2015, the defendant was again removed from the United States to Mexico.

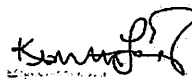
7. On or about September 6, 2024, law enforcement officers located the defendant MARCO VIDAL-MENDEZ in Queens, New York and placed him under arrest.

8. The defendant MARCO VIDAL-MENDEZ's fingerprints were taken on September 6, 2024 when he was taken into custody. VIDAL-MENDEZ's fingerprints taken in connection with his arrest on September 6, 2024 matched the fingerprints taken in connection with VIDAL-MENDEZ's January 24, 2008 conviction, November 14, 2012 conviction and October 28, 2015 removal.

9. On or about September 6, 2024, law enforcement officers interviewed the defendant MARCO VIDAL-MENDEZ following his arrest. After waiving his Miranda rights, VIDAL-MENDEZ admitted in sum and in substance that he had previously been removed from the United States following a prior felony conviction and that he returned to the United States without the consent of the Department of Homeland Security.

10. A search of immigration records reveals that there exists no request by the defendant MARCO VIDAL-MENDEZ for permission from either the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States after removal.

WHEREFORE, your deponent respectfully requests that the defendant MARCO VIDAL-MENDEZ, be dealt with according to law.



Digitally signed by KENNETH
LOPEZ
Date: 2024.09.09 13:44:30 -04'00'

Kenneth Lopez
Deportation Officer, United States Immigration and
Customs Enforcement

Sworn to before me this
9th day of September, 2024



THE HONORABLE LARA K. ESHKANAZI
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK